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EXAMINER	
DAY, HERNG DER	

ART UNIT	PAPER NUMBER
2128	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/777,246	POVICH, DAVID J.	
	Examiner	Art Unit	
	Herng-der Day	2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 December 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 February 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to Applicant's Amendment ("Amendment") to Office Action dated August 2, 2004, mailed December 27, 2004, and received by PTO December 29, 2004.

1-1. Claims 1, 6, 8-10, 15, 18, and 22 have been amended. Claims 1-22 are pending.

1-2. Claims 1-22 have been examined and rejected.

Drawings

2. The drawings are objected to for the following reasons. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the Examiner, the Applicants will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2-1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign mentioned in the description:

(a) neck-value subroutine validates 178 the neck-value, as described in line 1 of page 11.

(b) the dimensions 212, as described in line 5 of page 13.

2-2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "146" has been used to designate both "Is rLOC<(0.49)D ?" and "Alert User" in Fig. 9e.

2-3. Drawing of Fig. 8 is inconsistent with the specification. For example, as described in lines 5-8 of page 8, "if the LOC is greater than preferably 55% of the OAL 71, then the LOC is too large, and the LOC subroutine alerts the user 72". However, the flow-of-control as shown in Fig. 8 indicates the opposite.

2-4. It appears that "Is neck-value > 6 ?", as shown in 171 of Fig. 9g, should be "Is neck-value > 6D ?".

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As described in lines 7-9 of page 10 in the specification, "Additionally, the reduced-cutting-diameter subroutine checks if D = 3 or D = 0.125 at 144". However, in Fig. 9e, the reduced-cutting-diameter subroutine checks "Is rLOC = 3 or Is rLOC = 0.125 ?" at 144. Therefore, without undue experimentation, it is unclear for one skilled in the art how to validate a reduced cutting diameter.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 6, 9, 10, and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Chan et al., "A Solid Modeling Library for the World Wide Web", Computer Networks and ISDN Systems, Volume 30, Issue 20-21, November 1998, pages 1853-1863.

6-1. Regarding claim 1, Chan et al. disclose a product design apparatus comprising:

a product database server operable to provide a plurality of product styles (Table button 1, ... under Table Panel, page 1861, Fig. 13), a plurality of customizable attributes (appearance-editing function, page 1860, left-hand column, paragraph 5), and a plurality of composite images (for example, furniture imagines at page 1862);

at least one client computer for accessing the product database server (The users can browse pieces of furniture individually over the WWW using a Java enabled browser, page 1859, right-hand column, paragraph 2) to select a product style (users select a push button, page 1860, left-hand column, paragraph 1) and the customizable attributes based upon choices presented by the product database server and selections made via the client computer (Users can make changes to the furniture, page 1860, left-hand column, paragraph 5),

the product database server being operable to provide a custom product design by combining a selected one of the product styles with a selected plurality of the attributes (the furniture will be updated immediately, page 1860, left-hand column, paragraph 5); and

a plurality of graphic representations illustrative of the product styles and the customizable attributes, said database server being operable to display said product styles and customizable attributes on the client computer from which the client may select a desired product style (Users select the furniture they want to buy by clicking on the furniture shown in that panel, page 1860, left-hand column, paragraph 1) and customizable attributes by clicking on the desired product style and customizable attribute (users double-click on the piece, page 1860, left-hand column, paragraph 5),

said product database server being operable to provide a composite image representing a product having the selected style and the selected attributes (for example, furniture imagines at page 1862).

6-2. Regarding claim 6, Chan et al. disclose a product design method using sequential computer screens to create a final product according to a predetermined one of a plurality of available specifications comprising:

(a) graphically displaying a plurality of product styles and a plurality of customization attributes on a plurality of said sequential computer screens (When users select a push button, a piece of furniture belonging to the corresponding type will be shown, page 1860, left-hand column, paragraph 1; editing dialog box, page 1860, left-hand column, paragraph 5);

(b) selecting one of said product styles and one or more of said attributes from the display of product styles and customizable attributes by clicking on a desired product style (Users select

the furniture they want to buy by clicking on the furniture shown in that panel, page 1860, left-hand column, paragraph 1) and customizable attribute (users double-click on the piece, page 1860, left-hand column, paragraph 5);

(c) producing an image of a final product having the selected style and the selected attributes (the furniture will be updated immediately, page 1860, left-hand column, paragraph 5); and

(d) displaying said image and product specification information based on the selected style and attributes (for example, furniture imagines at page 1862).

6-3. Regarding claim 9, Chan et al. disclose an article of manufacture comprising:

a computer readable medium having a computer readable program code embodied thereon (furniture shopping applet was developed, page 1859, right-hand column, paragraph 2), said computer readable program being configured to perform the steps of:

graphically displaying a plurality of selectable product styles and a plurality of selectable customizable attributes on a computer screen (When users select a push button, a piece of furniture belonging to the corresponding type will be shown, page 1860, left-hand column, paragraph 1; editing dialog box, page 1860, left-hand column, paragraph 5);

receiving selected product style and attribute information from the display of product styles and customizable attributes; selecting a desired product style and customizable attribute using the received information (Users select the furniture they want to buy by clicking on the furniture shown in that panel, page 1860, left-hand column, paragraph 1; users double-click on the piece, page 1860, left-hand column, paragraph 5); and

displaying the selected product style and customizable attribute together with product specification information based on the received information (for example, furniture imagines at page 1862).

6-4. Regarding claim 10, Chan et al. disclose a product design system, comprising:

a tool (for the purpose of claim examination with the broadest reasonable interpretation, a furniture, for example, a table, would be interpreted as a tool when used as a workbench) database server operable to graphically display a plurality of tool styles (When users select a push button, a piece of furniture belonging to the corresponding type will be shown, page 1860, left-hand column, paragraph 1), a plurality of customizable attributes (editing dialog box, page 1860, left-hand column, paragraph 5), and a plurality of composite images on a computer screen (for example, furniture imagines at page 1862);

at least one client computer operable to access the tool database server (The users can browse pieces of furniture individually over the WWW using a Java enabled browser, page 1859, right-hand column, paragraph 2) and select a tool style and one or more customizable attributes based upon choices presented by the tool database server and decisions made via the client computer (users select a push button, page 1860, left-hand column, paragraph 1; Users can make changes to the furniture, page 1860, left-hand column, paragraph 5);

said tool database server being operable to provide a custom design tool by combining a selected one of the tool styles with the selected attributes from the graphical display (the furniture will be updated immediately, page 1860, left-hand column, paragraph 5); and

a plurality of graphic representations illustrative of a custom design tool having the selected tool style and the selected attributes, said custom design tool being displayable on the client computer (for example, furniture imagines at page 1862).

6-5. Regarding claim 15, Chan et al. disclose a product design method of using sequential computer screens to design a tool according to a specification comprising:

(a) graphically displaying a plurality of tool styles and a plurality of customization attributes on a computer screen using a plurality of sequential images (When users select a push button, a piece of furniture belonging to the corresponding type will be shown, page 1860, left-hand column, paragraph 1; editing dialog box, page 1860, left-hand column, paragraph 5);

(b) selecting one of said tool styles and one or more of said attributes from the graphical display by clicking on a desired product style and customizable attribute (Users select the furniture by clicking on the furniture shown in that panel, page 1860, left-hand column, paragraph 1; users double-click on the piece, page 1860, left-hand column, paragraph 5);

(c) creating a tool image having the selected style and attributes (the furniture will be updated immediately, page 1860, left-hand column, paragraph 5); and

(d) displaying said tool image on one of said screens (for example, furniture imagines at page 1862).

6-6. Regarding claim 16, Chan et al. disclose displaying on said one of said screens selected specifications relating to a tool corresponding to said tool image (for example, 2D view of 3D view furniture imagines at page 1862 displays furniture sizes).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 2-5, 7-8, 11-14, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al., "A Solid Modeling Library for the World Wide Web", Computer Networks and ISDN Systems, Volume 30, Issue 20-21, November 1998, pages 1853-1863, in view of Harasaki et al., European Patent Application EP 0 990 962 A1, Published April 5, 2000.

8-1. Regarding claims 2-5, Chan et al. disclose a product design apparatus in claim 1. Chan et al. fail to expressly disclose (1) the product database server and the client computer are connected by a TCP/IP compliant protocol; (2) displaying the custom design product having the composite image, the product style, the customized attributes, and the quantity choices; and (3) initiating an order for said product. Nevertheless, Chan et al. disclose the users can browse pieces of furniture individually over the WWW using a Java enabled browser (page 1859, right-hand column, paragraph 2), a furniture shopping applet has been developed (page 1861, Fig. 13), and users select the furniture they want to buy by clicking on the furniture shown in that panel (page 1860, left-hand column, paragraph 1). In other words, Chan et al. suggest developing the furniture shopping applet is trying to help users shopping via the Internet.

Harasaki et al. disclose a watch design creating system to produce an originally designed and full-scale watch in which a consumer directly accesses a watch supplier through an information communication means, utilizes design software including design basic information

provided by the watch maker, and executes the design of the watch on the display of a consumer's personal computer (paragraph [0012]) and to easily order the originally designed watch to the watch maker from the consumers (paragraph [0013]). Specifically, Harasaki et al. disclose:

(Claim 2) the product database server and the client computer are connected by a TCP/IP compliant protocol (Internet, Fig. 12).

(Claim 3) the product database server is operable to display a plurality of quantity choices of the product having the selected custom design (The number ___ pieces, Fig. 32 and Fig. 33).

(Claim 4) the product database server displays the custom design product having the composite image, the product style, the customized attributes, and the quantity choices (Fig. 32).

(Claim 5) the client computer is operable to submit the custom design product to the product database server to initiate an order for said product (easily order the originally designed watch to the watch maker from the consumers, paragraph [0013]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Chan et al. to incorporate the teachings of Harasaki et al. to obtain the invention as specified in claims 2-5 because it facilitates an on-line ordering after on-line shopping as suggested by Chan et al.

8-2. Regarding claims 7-8, Chan et al. disclose a product design method in claim 6. Chan et al. fail to expressly disclose (1) sending the product specification to a receiver by email; and (2) said receiver is a supplier of said product. Nevertheless, Chan et al. disclose the users can browse pieces of furniture individually over the WWW using a Java enabled browser (page 1859, right-hand column, paragraph 2), a furniture shopping applet has been developed (page

1861, Fig. 13), and users select the furniture they want to buy by clicking on the furniture shown in that panel (page 1860, left-hand column, paragraph 1). In other words, Chan et al. suggest developing the furniture shopping applet is trying to help users shopping via the Internet.

Harasaki et al. disclose a watch design creating system to produce an originally designed and full-scale watch in which a consumer directly accesses a watch supplier through an information communication means, utilizes design software including design basic information provided by the watch maker, and executes the design of the watch on the display of a consumer's personal computer (paragraph [0012]) and to easily order the originally designed watch to the watch maker from the consumers (paragraph [0013]). Specifically, Harasaki et al. disclose:

(Claim 7) sending the product specification to a receiver by email (accesses a watch supplier through an information communication means, paragraph [0012]; email is a well known information communication means).

(Claim 8) said receiver is a supplier of said product (watch maker, paragraph [0013]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Chan et al. to incorporate the teachings of Harasaki et al. to obtain the invention as specified in claims 7-8 because it facilitates an on-line ordering after on-line shopping as suggested by Chan et al.

8-3. Regarding claims 11-14, Chan et al. disclose a product system apparatus in claim 10. Chan et al. fail to expressly disclose (1) the tool database server and the client computer are connected by a TCP/IP compliant protocol; (2) displaying the custom design tool having the composite image, the tool style, the customized attributes, and the quantity choices; and (3)

initiating an order for said tool. Nevertheless, Chan et al. disclose the users can browse pieces of furniture individually over the WWW using a Java enabled browser (page 1859, right-hand column, paragraph 2), a furniture shopping applet has been developed (page 1861, Fig. 13), and users select the furniture they want to buy by clicking on the furniture shown in that panel (page 1860, left-hand column, paragraph 1). In other words, Chan et al. suggest developing the furniture shopping applet is trying to help users shopping via the Internet.

Harasaki et al. disclose a watch design creating system to produce an originally designed and full-scale watch in which a consumer directly accesses a watch supplier through an information communication means, utilizes design software including design basic information provided by the watch maker, and executes the design of the watch on the display of a consumer's personal computer (paragraph [0012]) and to easily order the originally designed watch to the watch maker from the consumers (paragraph [0013]). Specifically, Harasaki et al. disclose:

(Claim 11) the tool database server and the client computer are connected by a TCP/IP compliant protocol (Internet, Fig. 12).

(Claim 12) the tool database server displays a plurality of quantity choices for the custom design tool (The number ___ pieces, Fig. 32 and Fig. 33).

(Claim 13) the tool database server displays the custom design tool having the composite image, the tool style, the customized attributes, and the quantity choices (Fig. 32).

(Claim 14) the client computer is operable to submit the custom design tool to the tool database server to initiate an order for said tool (easily order the originally designed watch to the watch maker from the consumers, paragraph [0013]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Chan et al. to incorporate the teachings of Harasaki et al. to obtain the invention as specified in claims 11-14 because it facilitates an on-line ordering after on-line shopping as suggested by Chan et al.

8-4. Regarding claims 17-18, Chan et al. disclose a product design method in claim 16. Chan et al. fail to expressly disclose (1) transmitting to a receiver by email the tool image and the specification displayed on said selected screen; and (2) said receiver is a tool supplier. Nevertheless, Chan et al. disclose the users can browse pieces of furniture individually over the WWW using a Java enabled browser (page 1859, right-hand column, paragraph 2), a furniture shopping applet has been developed (page 1861, Fig. 13), and users select the furniture they want to buy by clicking on the furniture shown in that panel (page 1860, left-hand column, paragraph 1). In other words, Chan et al. suggest developing the furniture shopping applet is trying to help users shopping via the Internet.

Harasaki et al. disclose a watch design creating system to produce an originally designed and full-scale watch in which a consumer directly accesses a watch supplier through an information communication means, utilizes design software including design basic information provided by the watch maker, and executes the design of the watch on the display of a consumer's personal computer (paragraph [0012]) and to easily order the originally designed watch to the watch maker from the consumers (paragraph [0013]). Specifically, Harasaki et al. disclose:

(Claim 17) transmitting to a receiver by email the tool image and the specification displayed on said selected screen (accesses a watch supplier through an information

communication means, paragraph [0012]; email is a well known information communication means).

(Claim 18) said receiver is a tool supplier (watch maker, paragraph [0013]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Chan et al. to incorporate the teachings of Harasaki et al. to obtain the invention as specified in claims 17-18 because it facilitates an on-line ordering after on-line shopping as suggested by Chan et al.

9. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al., "A Solid Modeling Library for the World Wide Web", Computer Networks and ISDN Systems, Volume 30, Issue 20-21, November 1998, pages 1853-1863, in view of Habel et al., "The Method of Automated Tool and Cutting Parameters Selection for CAPP Utilisation", Flexible Automation & Intelligent Manufacturing FAIM 2000, June 2000, pages renumbered as 1-9.

9-1. Regarding claims 19-21, Chan et al. disclose a product design method in claim 15. Chan et al. fail to expressly disclose (1) the selected tool style includes one of: a ball end having a value equal to 50% of the diameter; a square end; and a corner-radius end having a value less than 50% of the diameter; (2) the selected tool style has a flat, a reduced cutting diameter, and a neck; and (3) the selected tool style is formed of carbide.

Habel et al. disclose an example solution of automated selection of tools and cutting data for external turning with tools with carbide inserts. Taking into account common application and available detailed information, SANDVIK-Coromant tools have been chosen to build data bases (page 1, last paragraph through page 2, first paragraph). Figure 3 at page 4 shows the algorithm of DPS module for a tool and cutting parameters selection including the steps of creation of an

acceptable tool list and selection of catalogue data from data bases for each acceptable tool (page 2, last paragraph). In other words, Habel et al. disclose building tool database taking into account common application and available detailed information of catalogue data including carbide rotary tool. Specifically, Habel et al. disclose:

(Claim 19) the selected tool style includes one of: a ball end having a value equal to 50% of the diameter; a square end; and a corner-radius end having a value less than 50% of the diameter (selection of catalogue data from data bases, page 2, last paragraph; for example, square end is well known based on manufacturer' catalogue data).

(Claim 20) the selected tool style has a flat, a reduced cutting diameter, and a neck (selection of catalogue data from data bases, page 2, last paragraph; limitations are well known based on manufacturer' catalogue data).

(Claim 21) the selected tool style is formed of carbide (with carbide inserts, page 1, last paragraph).

It would have been obvious to one of ordinary skill in the art of manufacturing machine parts at the time the invention was made to modify the teachings of Chan et al. to incorporate the teachings of Habel et al. to obtain the invention as specified in claims 19-21 because with Habel's DPS module and cutting tool database one of ordinary skill in the art would be able to select the best tool as well as cutting parameters.

9-2. Regarding claim 22, Chan et al. disclose an article of manufacture comprising:

a computer readable medium having a computer readable program code embodied thereon (furniture shopping applet was developed, page 1859, right-hand column, paragraph 2), said computer readable program code being operable to perform the steps of:

graphically displaying a plurality of [carbide rotary] tool styles and a plurality of customization attributes on a computer screen as a plurality of sequential images (When users select a push button, a piece of furniture belonging to the corresponding type will be shown, page 1860, left-hand column, paragraph 1; editing dialog box, page 1860, left-hand column, paragraph 5);

receiving user-selected [carbide rotary] tool styles and attribute information of a selected tool style from the graphical display (Users select the furniture they want to buy by clicking on the furniture shown in that panel, page 1860, left-hand column, paragraph 1; users double-click on the piece, page 1860, left-hand column, paragraph 5);

creating a selected image using the received information (the furniture will be updated immediately, page 1860, left-hand column, paragraph 5); and

displaying the selected image along with specification information related to said selected image and based on the received information (for example, furniture imagines at page 1862).

Chan et al. fail to expressly disclose the tool styles and the customization attributes are related to carbide rotary tool.

Habel et al. disclose an example solution of automated selection of tools and cutting data for external turning with tools with carbide inserts. Taking into account common application and available detailed information, SANDVIK-Coromant tools have been chosen to build data bases (page 1, last paragraph through page 2, first paragraph). Figure 3 at page 4 shows the algorithm of DPS module for a tool and cutting parameters selection including the steps of creation of an acceptable tool list and selection of catalogue data from data bases for each acceptable tool (page 2, last paragraph). In other words, Habel et al. disclose building tool database taking into

account common application and available detailed information of catalogue data including carbide rotary tool.

It would have been obvious to one of ordinary skill in the art of manufacturing machine parts at the time the invention was made to modify the teachings of Chan et al. to incorporate the teachings of Habel et al. to obtain the invention as specified in claim 22 because with Habel's DPS module and cutting tool database one of ordinary skill in the art would be able to select the best tool as well as cutting parameters.

Applicant's Arguments

10. Applicant argues the following:

(1) "Independent claim 10 has been amended to replace the term 'product' with 'tool'. It is believed that the terminology 'tool database' does have antecedent basis" (page 9, paragraphs 3, Amendment).

(2) "applicant respectfully submits that Bigelow fails to teach or suggest that the product or tool is selected from a graphical representation of a plurality of product or tool types" (page 12, paragraph 2, Amendment).

(3) "applicant submits that Dahlem et al. does not teach or suggest selecting a particular product or tool from a graphical display of a plurality of different products and tools, and therefore fails to provide the teaching missing from both Bigelow and Berger et al to make applicant's claimed invention obvious" (page 13, paragraph 2 through page 14, paragraph 1, Amendment).

Response to Arguments

11. Applicant's arguments have been fully considered.

11-1. Applicant's argument (1) is persuasive. The rejections of claim 10 under 35 U.S.C. 112, second paragraph, in Office Action dated August 2, 2004, have been withdrawn.

11-2. Applicant's arguments (2) and (3) are moot in view of the new ground(s) of rejection. The rejections of claims 1-22 under 35 U.S.C. 102(a)/103(a) in Office Action dated August 2, 2004, have been withdrawn.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Reference to Matsuzaki et al., U.S. Patent 5,357,439 issued October 18, 1994, is cited as disclosing a custom-made manufacturing system which accepts a custom order of product from a custom via network.

Reference to Abraham et al., U.S. Patent 5,570,292 issued October 29, 1996, is cited as disclosing an integrated method for selecting, ordering and manufacturing art glass panels.

Reference to Camaisa et al., U.S. Patent 5,845,263 issued December 1, 1998, is cited as disclosing an interactive visual ordering system.

Reference to Ogura, U.S. Patent 5,980,166 issued November 9, 1999, is cited as disclosing a rotary tool with shank.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Herng-der Day whose telephone number is (571) 272-3777. The Examiner can normally be reached on 9:00 - 17:30. Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Jean R. Homere can be reached on (571) 272-3780. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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